

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

BERLIN EDUCATION ASSOCIATION :
Affiliated with NHEA/NEA :
Petitioner :
and :
BERLIN BOARD OF EDUCATION :
BERLIN, NEW HAMPSHIRE :
Respondent :

CASE NO. T-0201:3

DECISION NO. 81-03

ORDER DISMISSING PETITION

Pursuant to a request from the Petitioner to amend the existing bargaining unit to include the position of nurse, which is specifically excluded under the recognition clause in the contract, the Board finds that the Berlin Education Association was grandfathered on February 12, 1976 and the "grandfathered" status is enjoyed without interference by order of the court, N. H. Supreme Court decision, Case No. 7540, State Employees' Association of New Hampshire, Inc., v. PELRB, November 9, 1976. The court stated, "The fact that some previously established bargaining units are inconsistent with the new requirements is the unavoidable consequence of the grandfather clause which expressly states that the act shall not 'terminate or modify a bargaining unit' in existence on its effective date. In our opinion, the legislature chose to allow these inconsistencies rather than disrupt the status quo", it is therefore,

ORDERED that the modification petition be, and hereby is dismissed.


EDWARD J. HASEFTINE
Chairman

Signed this 10th day of March, 1981.